IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Writ Petition No.8534 of 2004

Ashok Balwant Patil ....Petitioner

vs.

Kolkhapur Mun Corporation and anr..respondents

Mr A Y Sakhare Sr Adv with Mrs Varsha Palav for petitioner

Ms S M Paranjape with Mr S M Kamble for respondent no.l

Mr. Y D Mulani AGP for State

CORAM: A.P.SHAH & S.C DHARMADHIKARI JJ

dt 5.ll.2004

P.C.

l. Heard advocates. Perused affidavit of the Asst Commissioner of respondent no.l. It is seen from the affidavit that the person whose name appears at srl no.ll in Exh A has already been allotted alternate site at Panjrapool Industrial Estate, hence is not eligible for any relief. The persons whose names are listed at srl nos 9, l3 and l4 have already been allotted alternate sites by the Commissioner as per the Resolution of l982. In respect of persons whose names are at srl nos.3,6,7,8,l2,l7 and l8, the Commissioner has already offered alternate sites depending upon the nature of the occupation of each of the persons. It appears that the said 7 persons to

whom alternate sites have been offered have not responded. The brother of the person whose name appear at srl no.l9 was allotted two plots and possession of these plots were already handed over to him. The persons whose names appear at srl no.l,2,4,5,l0,l5, l6 and l9 are ineligible inasmuch as the Land Acquisition Officer has rejected their claim on the ground that the said persons have encroached upon the respective premises and have taken possession of the same only after the publication of section 6 notification in respect of the said land under the Land Acq Act.

2. Ms Paranjape appearing for lst respondent after taking instructions from the Asst Commissioner who is present in court stated that the alternate sites will be allotted to the persons whose names appear at srl nos. 3,6,7,8,l2,l7 and l8 within two weeks from today. Ms Paranjape also agreed to consider the cases of persons whose names appear at srl nos l,2,4,5,, l0, l5, l6 and l9 for allotment of alternate sites in view of the fact that they are in possession for last about 25 years.. She submitted that the allotment in favour of these persons shall also be made within two weeks from today. In order to enable the petitioners to shift to the new places the date of handing over possession is postponed to 25.ll.204.

3. Petition is disposed of accordingly.